THE MYSORE SILKWORM SEED AND COCOON (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 1959.

ARRANGEMENT OF SECTIONS

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Regulation of production, etc., of silkworm seed.
4. Regulation of rearing.
5. Regulation of possession of silkworm seed.
6. Regulation of disposal of silkworm cocoons.
7. Regulation of sale or purchase of silkworm cocoons for reeling.
8. Regulation of reeling.
9. Application for licence.
10. Regulation and distribution of silkworm seed.
11. Power to require information and powers of entry, inspection, seizure, etc.
12. Penalties.
12A. Abetment.
12B. Certain offences to be cognizable.
13. Forfeiture of silkworm seed, etc.
14. Composition of Offences.
15. Court competent to try offences under this Act and cognizance of offences.
16. Protection of persons acting under the Act.
17. Officers to be deemed public servants.
18. Power of Government to make rules.
19. Repeal and Savings.

MYSORE ACT, No. 5 OF 1960.

(*First published in the* Mysore Gazette *on the Twenty-fifth Day of February* 1960.)

(Amended by Act 29 of 1969)

THE MYSORE SILKWORM SEED AND COCOON (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 1959.

(*Received the assent of the President on the Twelfth Day of February* 1960)

An Act to consolidate the laws providing for the regulation of the production, supply and distribution of silkworm seed and cocoon in the State of Mysore.

WHEREAS it is expedient to consolidate the laws providing for the regulation of the production, supply and distribution of silkworm seed and cocoon in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Silkworm Seed and Cocoon Regulation of Production, Supply and Distribution) Act, 1959.

(2) It extends to the whole of the State of Mysore.

(3) Section 19 shall come into force at once in the whole of the State of Mysore and the rest of this Act shall come into force at once in the areas of the State in which the Mysore Silkworm Seed (Control of Distribution) Act, 1952, is in force. All or any of the provisions of this Act (except section 19) shall come into force in such other area or areas of the State on such date or dates as the Government may by notification specify.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "cocoon" means cocoon produced by mulberry silkworms, either green or stifled, dried or in any other state or condition, but shall not include pierced cocoon;

Explanation.—In this clause pierced cocoon means a cocoon from which moth has cut out;

(*b*) "cocoon market" means a market established under section 10, for the sale or purchase of cocoons of all kinds intended for reeling;

(*c*) "cross-breed cocoons" means cocoons produced by rearing silkworm seeds produced by cross-breeding of two different races of silkworms;

(*d*) "Government" means the State Government;

[1][(*e*) 'Licensing Authority' means the Director of Sericulture in Mysore and includes such other officers as the Government may by notification appoint for such areas and for such purposes as may be specified in the notification;

(*f*) "licensed buyer" means a person in charge of a charka establishment or a filature establishment licensed under this Act to purchase silkworm cocoon for reeling silk;

Explanation.—In this clause "charka establishment" means an establishment where silk is reeled from silkworm cocoons with the help of any machine or contrivance of any kind not worked by power, and "filature establishment" means an establishment where silk is reeled from silkworm cocoons with the help of any machine or contrivance of any kind worked by power, and "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy;

(*g*) "notification" means a notification published in the Official Gazette;

(*h*) "prescribed" means prescribed by rules made under this Act;

(*i*) 'rearer" means a person engaged in rearing silkworms for the production of silkworm cocoons, whether for reproduction or reeling;

Explanation.—In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

(*j*) "silkworm" means mulberry silkworm;

(*k*) "silkworm seed" means silkworm cocoons of all kinds (except cross breed cocoons) used for preparing seed and includes moths, eggs and any silkworms of whatever description intended to be used or reared for purposes of reproduction.

3. *Regulation of production, etc., of silkworm seed*.—No person shall produce, prepare, store, transport, sell or otherwise distribute or dispose of silkworm seed, except under and in accordance with the terms and conditions of a licence granted under this Act.

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1. Substituted by Act 29 of 1969.

4. *Regulation of rearing.*—[1][(1) No person shall engage in the rearing of silkworms for the production of silkworm cocoons except under and in accordance with the terms and conditions of a licence granted under this Act.]

(2) The Government may by notification direct that in any specified area no silkworm other than silkworm of specified race shall be reared and that such silkworm shall be reared from silkworm seed obtained from specified sources. On the issue of such notification, no person shall rear in such specified area any other race of silkworm or obtain silkworm seed from any other source.

5. *Regulation of possession of silkworm seed.*—No person shall be in possession of silkworm seed unless—

(*a*) he is a rearer; or

(*b*) he holds a licence granted under this Act; or

(*c*) he is authorised in writing by the prescribed officer to possess silkworm seed.

6. *Regulation of disposal of silkworm cocoons.*—No rearer shall dispose of or agree to dispose of or in pursuance of an agreement entered into, make delivery of silkworm cocoons [1][x x x] except to persons holding a licence under this Act.

[2][7. *Regulation of sale or purchase of silkword cocoons for reeling.*—(1) In any area in which a cocoon market is established under this Act,—

(*a*) no rearer shall sell or agree to sell; and

(*b*) no person shall purchase or agree to purchase, silkwarm cocoons except in such cocoon market and except in accordance with such conditions and in such manner as may be prescribed.

(2) After a cocoon market is established for any area, no person shall except in such cocoon market, use or permit the use or assist in the use of, any building, room, tent, enclosure, vehicle, vessel or place in such area for the sale or purchase of silkworm cocoons or in any manner aid or abet the sale or purchase of silkworm cocoons.

8. *Regulation of reeling.*—No person shall carry on the business of reeling silkworm cocoons unless he holds a licence granted under this Act.

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1. Certain words omitted by Act 29 of 1969.
2. Sub. by Act 29 of 1969.

9. *Application for licence.*—Every person who desires to obtain a licence under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

10. *Regulation and distribution of silkworm seed.*—(1) The Government may, from time to time, by notification,

(*a*) specify the places at which cocoon markets, cocoon market yards and cocoon stores shall be located;

(*b*) appoint a Market Officer, and constitute a committee consisting of two representatives of rearers, and one each of licensed buyers in charge of charka establishments and filature establishments, with the Market Officer as Chairman, for regulating generally the procedure for the conduct of business in the cocoon market and for the performance of such functions as may be determined by the Government;

(*c*) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(*d*) assign zones and markets in which any licensed buyer may carry on his business.

(2) All transactions involving the sale or purchase of cocoons in a cocoon market shall be by open auction, the payment of the price shall be in cash and the cocoons shall be sold by weight, as required by or under the Mysore Weights and Measures (Enforcement) Act, 1958.

11. *Power to require information and powers of entry, inspection seizure, etc.*—(1) The Director of Sericulture in Mysore or any officer authorised in this behalf by the Govermnent, by notification, may, with a view to securing compliance with this Act,—

(*a*) require any person licensed under this Act to furnish such information as may be specified;

(*b*) inspect or cause to be inspected any return, document or account book in the possession of a person licensed under this Act;

(*c*) [1][x x x x] enter and inspect any premises, land, vessel, vehicle or place of any

1. Certain words omitted by Act 29 of 1969.

person licensed under this Act, with a view to satisfying himself that such person is complying with the provisions of this Act or of any rule or order made there under or with a view to detecting the presence or otherwise of any silkworm disease;

(*d*) at all reasonable times enter and search any premises, land, vessel, vehicle or place wherein or in any part of which silkworm is reared or [1][silkworm, silkworm seed or silkworm cocoon] is stored or is being transported and seize or authorise any person to seize any [1][silkworm, silkworm seed or silkworm cocoon] including any vessel, receptable, apparatus, package or covering in which such [2][silkworm, silkworm seed or silkworm cocoon] is contained, in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that silkworm disease has occurred or that a contravention of this Act or of any rule or order made thereunder has been or is being committed;

(*e*) take or cause to be taken such steps as may be considered by him expedient or necessary to prevent the spread of silkworm disease or to eradicate it, including the disinfection of any place, or disinfection or destruction of any silkworm seed or silkworm, or of any vessel, receptacle or apparatus, used in its production, preparation, storage or transport, and such other action as may be prescribed.

(2) Every owner, occupier or other person in charge of any premises, land, vessel, vehicle or place referred to in clauses (*c*) and (d) of sub-section (1) shall give all reasonable facilities to the officer authorised under sub-section (1) in carrying out his functions under the said sub-section.

12. *Penalties.*—(1) Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to [1][two hundred rupees].

(2) Any rearer who contravenes the provisions of [1][section 6 or clause (*a*) of sub-section (1) of section 7, shall be punishable with fine which may extend to fifty rupees.

[2][(2A) Any person who contravenes the provisions of clause (*b*) of sub-section (1) of section 7 or sub-section (2) of that section

1. Sub. by Act 29 of 1969.
2. Ins. by Act 29 of 1969.

shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both;

[1][(3) Any person who contravenes the provisions of section 8 shall be punishable with fine which may extend to two hundred and fifty rupees;

(4) Save as otherwise provided in sub-sections [1][(1), (2), (2A) and (3)], any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with fine which may extend to two hundred and fifty rupees.

(5) (*a*) Without prejudice to any punishment under the preceding sub-sections, the Director of Sericulture in Mysore may, after giving a reasonable opportunity to the person concerned to be heard, suspend or cancel the licence granted to any person for preparing silkworm seed if such person is convicted at least twice for an offence under this Act.

(*b*) Any person aggrieved by the suspension or cancellation of a licence under clause (a) may appeal to the Government within such time as may be prescribed and the decision of the Government on such appeal shall be final and shall not be called in question in any court of law.

[2][12A. *Abetment.*—Whoever abets any offence punishable under this Act shall be punished with the punishment provided in this Act for such offence.

[2][12B. *Certain offences to be cognizable.* The offences under sub-section (2A) of section 12 shall be cognizable'

13. *Forfeiture of silkworm seed, etc.*—Without prejuidice to any punishment under section 12, the Court may direct that any silkworm seed or cocoons or any receptacle, apparatus, package or covering containing the same or any other article in respect of which the Court is satisfied that an offence under this Act has been committed shall be forfeited to the Government.

[3][* * * *]

14. *Composition of offences.*—(1) Any offence punishable under this Act may be compounded by the Director of Sericulture in Mysore or such other officer as may be prescribed on payment of such amount not exceeding the amount of fine payable for such offence, as may be determined by the Director or such other officer.

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1. Sub. by Act 29 of 1969.
2. Inserted by Act 29 of 1969.
3. Proviso to section 13 omitted by Act 29 of 1969.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been istituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

15. *Court competent to try offences under this Act and cognizance of offences.*—(1) No court other than the court of Magistrate of the First Class shall take cognizance of [1][an offence other than a cognizable offence] under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

16. *Protection of persons acting under the Act.*—No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

17. *Officers to be deemed public servants.*—Every officer acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

18. *Power of Government to make rules.*—(1) The Government may subject to the condition of previous publication by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees ;

(*b*) the qualifications of persons who produce or prepare silkworm seed for rearing of silkworms and other persons to whom licences under this Act may be granted ;

(*c*) the grant of licences and the imposing of conditions in respect of the same and fees for the grant of such licences ;

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1. Sub. by Act 29 of 1969.

(*d*) the sanitary and other conveniences that should be provided for at the production and distribution centres of silkworm seed;

(*e*) the grant of duplicate licences and the renewal of licences and fees for the same;

(*f*) appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should be made and the procedure for dealing with such appeals;

(*g*) the forms of licences to be granted, returns to be submitted and accounts to be maintained under this Act;

(*h*) the fee payable by the licensed buyer in respect of cocoons purchased by him in the cocoon market, such fee not exceeding two per cent of the purchase price;

(*i*) the particulars to be furnished by any person of the occurrence of silkworm disease in silkworm or silkworm seed, and the steps to be taken for the prevention or eradication of such disease;

(*j*) generally relating to the procedure to be followed in proceedings under this Act;

(*k*) any other matter which may be prescribed under this Act.

(3) All rules made under this Act shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legilature makes any modification in any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, the said rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. *Repeal and Savings.*—The Mysore Silkworm Diseases Control Act, 1943 (Mysore Act VIII of 1943) and the Mysore Silkworm Seed (Control of Distribution) Act, 1952 (Mysore Act XXXIII of 1952) as in force in the Mysore Area except Bellary District, the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) as in force in the Bellary District and the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) and the Madras Silkworm Seed (Production, Supply and Distribution) Act, 1956

(Madras Act XXIII of 1956) as in force in the Madras Area, are hereby repealed :

Provided that such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder ; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments ; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments ; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punshment may be imposed at if this Act had not been passed :

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule framed) under the repealed enactments, so far as they are consistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue until superseded by anything done or any action taken under this Act.